

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NORTHEASTERN DIVISION**

**EMILY V. MIXON-DAVIS,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN,  
Commissioner of Social Security**

**Defendant.**

**No. 2:12-cv-00019**

**Judge Nixon  
Magistrate Judge Bryant**

**ORDER**

Pending before the Court are Plaintiff Emily V. Mixon-Davis's Motion for Award of Attorney Fees ("Plaintiff's Motion") (Doc. No. 24) and the parties' Joint Motion for an Award of Attorney Fees ("Joint Motion") (Doc. No. 25), both seeking an award of attorney's fees to Ms. Mixon-Davis's counsel under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

Under the EAJA, a prevailing party in litigation against the United States may seek attorney's fees, so long as the party files for the fees within thirty days of the final judgment. 28 U.S.C. § 2412(d)(1)(A)–(B) (2012). In social security cases, a sentence of remand by the court constitutes a victory for the plaintiff, such that he or she may seek attorney's fees under the EAJA. *Shalala v. Schaefer*, 509 U.S. 292, 301 (1993).

On September 12, 2012, the Court reversed a decision of the Administrative Law Judge denying benefits to Ms. Mixon-Davis and remanded her case to the Commissioner of Social Security for further proceedings. (Doc. No. 22.) Ms. Mixon-Davis filed her motion for fees on October 10, 2012. (Doc. No. 24.) In Plaintiff's Motion, Ms. Mixon-Davis's attorney requests \$2,512.50 in fees, based on 16.75 hours of work at a rate of \$150.00 per hour. (*Id.* at 1.) In the

subsequent Joint Motion, Ms. Mixon-Davis and the Commissioner state they have agreed to a \$2,000.000 award for Ms. Mixon-Davis's counsel.

The Court finds that \$2,000.00 is a reasonable award for the work performed. Accordingly, the Court **GRANTS** the Joint Motion (Doc. No. 25) and **AWARDS** Plaintiff attorney's fees in the amount of \$2,000.00, subject to offset of any pre-existing debt Plaintiff owes under the Treasury Offset Program, 31 U.S.C. § 3716. Plaintiff's Motion (Doc. No. 24) is **TERMINATED AS MOOT**.

It is so ORDERED. *h2*

Entered this the 28 day of May, 2013.

  
\_\_\_\_\_  
JOHN T. NIXON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT